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| EXAMINER | |
|---|---|
| KRUER, KEVIN R | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 1794 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Advisory Action***

Applicant's arguments filed July 29, 2009 have been fully considered but are not persuasive. Applicant's proposed amendments have not been entered because they are not deemed to place the application in better form for appeal. The amendment does clearly distinguish the claimed invention from the prior art. Furthermore, the proposed amendments have not been entered because they would require further search and/or consideration. The crystallinity limitation is supported in paragraph (0041) and the amendment to paragraph b is supported in paragraph (0083). However, said limitations have not previously been considered and would require further consideration.

With regards to the pending 112, first paragraph rejection, applicant argues the claims are disclosed in the original disclosure because "low and high" are synonymous with "lower" and "higher." In support of their position, applicant points to paragraph 0083 and 0022 of the specification. Said teachings do not demonstrate applicant met the 112, first paragraph requirements. Specifically, paragraph 022 says "high" and "low" are relative (not absolute) but it is not clear from said disclosure that said terms are synonymous with higher and lower; it is not clear high and low are "relative" to one another or to a separate standard. Furthermore, paragraphs 0069+ imply that "high" crystalline polymers were required to possess properties other than a higher crystallinity than the low crystalline polymer. Paragraph 0083 supports the examiner's conclusion; said paragraph says "in one embodiment" the high crystallinity polymer has a higher crystallinity than the low crystallinity polymer which implies in other embodiments said relationship need not exist. Thus, it is not clear applicant had possession of all

embodiments wherein the first layer comprised a lower crystalline polymer than the second layer.

With regards to the 112, second paragraph rejection, applicant argues that is the specification clearly sets forth...properties such as melting point and heat of fusion of high and low crystalline polymers and the properties which distinguish them from one another. Applicant refers to various paragraphs from the specification but does not specifically set forth limitations which they believe are inherent to "low" and "high" crystallinity polymers. Furthermore, applicant fails to reference paragraphs which seem to clearly limit "high" crystallinity polymers to "polymeric components, including blends, that include homopolymers or copolymers of ethylene or propylene...." and that have "a level of crystallinity sufficient to permit yield and plastic deformation during elongation." (see 0069-0070). Thus, it is not clear from the specification which properties are inherent to "high" and "low" crystallinity polymers as claimed and which are not.

With regards to the 35 USC 102 and 103 rejections, applicant argues the examiner erroneously concludes "amorphous" to be a polymer which meets the newly claimed crystallinity range. Said argument is noted but is moot since it is contingent upon the entry of the non-entered amendment. A low crystalline polymer, as currently claimed, may comprise 0% crystallinity.

For the reasons stated above, applicant's arguments are not persuasive.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN R. KRUER whose telephone number is (571)272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin R Kruer/
Primary Examiner, Art Unit 1794